

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 79-165

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

ORDER DIRECTING CITY OF PALO ALTO TO COMPLY WITH  
REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL  
WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY  
REGION, IN ORDER NO. 79-164 (NPDES PERMIT NO.  
CA0037834)

The California Regional Water Quality Control Board (Hereinafter Board),  
San Francisco Bay Region, finds that:

1. This Board on **December 18, 1979**, adopted Order No. 79-164 prescribing waste discharge requirements including a compliance time schedule for the City of Palo Alto (hereinafter "discharger") in accordance with statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The permit contains an immediate compliance date for achieving effluent and receiving water limitations consistent with the Board's Basin Plan which are more stringent than the secondary effluent limitations required by the Federal Act. The discharger currently meets secondary effluent limitations.
2. The discharger is currently constructing additional facilities to comply with these more stringent limitations.
3. The discharger and the Cities of Sunnyvale, San Jose and Santa Clara are members of the joint powers authority named the South Bay Dischargers Authority (SBDA). The SBDA is the lead agency for the construction of necessary facilities, such as a joint outfall north of Dumbarton Bridge for all three member agencies and is preparing an Environmental Impact Statement (EIS) for the proposed project. The SBDA is also investigating the possibility of requesting an amendment to the Basin Plan and State Policy to allow treated wastes to be discharged to San Francisco Bay south of Dumbarton Bridge.
4. It has been demonstrated that treatment plant upsets can occur and that these upsets can have a significant adverse effect on the receiving waters and beneficial water uses of the South Bay. These effects can be magnified because of the location of the discharge which does not provide for any significant dispersion or dilution capability. One reason for the prohibition of discharge to San Francisco Bay south of the Dumbarton Bridge is to provide some dilution and dispersion capabilities in the event of a treatment plant upset.
5. The discharger has submitted evidence which documents that the above more stringent requirements contained in Order No. 79-164 cannot be achieved. The discharger has experienced delays beyond its control because of the grant process for construction of necessary facilities and complexity of South Bay water quality problems.

6. The discharger has submitted a time schedule by which it can achieve the requirements contained in Order No. 79-164.
7. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
8. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.
9. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the discharger shall comply with Provision D.2 of Order No. 79-164 in accordance with the following schedule and shall comply with the following interim effluent limitations until compliance with Order No. 79-164 is achieved.

1. Provision D.2:

- "a. Compliance with Effluent Limitations B.1.a (BOD), B.1.b (S.S.), B.1.e (S.M.), B.1.f (Turb.), B.4 (tox.), B.7 (coli.); Receiving Water Limitations C.1.a (float. susp. etc.), C.1.c (alter temp. etc.), C.2.d (un-ionized ammonia):"

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Due</u>
Construction status report	January 1, 1980	January 15, 1980
Complete construction	May 28, 1980	June 15, 1980
Full compliance	September 1, 1980	September 15, 1980

- b. Compliance with Prohibition A.1. (prohibiting waste discharge to San Francisco Bay south of Dumbarton Bridge) shall be achieved as follows: Submit a Final EIR/EIS by May 26, 1980, and time schedule to comply with Prohibition A.1. by June 9, 1980. If the discharger in its Final EIR/EIS recommends a project not in compliance with the Basin Plan, the discharger shall submit a petition to the Regional Board by June 9, 1980, requesting those exceptions and/or amendments to the Basin Plan needed for the discharger's recommended project to achieve compliance. The discharger's petition shall also contain the rationale for the proposed exceptions and/or amendments either directly or by reference to the Final EIR/EIS. The rationale shall provide documentation that the proposed project will provide for a level of environmental protection against the adverse effects of a treatment plant upset equivalent to that which would be provided if a project to comply with the prohibition of discharge was constructed.

- c. The discharger shall immediately comply with all other prohibitions, limitations and provisions of Order No. 79-164."
2. Prior to compliance with Order No. 79-164 the following interim effluent requirements shall apply:

a)

<u>Constituents</u>	<u>30-Day Average</u>		<u>7-Day</u>	<u>Maximum</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>Average</u>	<u>Daily</u>
			<u>mg/l</u>	<u>lbs/day</u>
BOD	30	12,880	45	25,760
Suspended Solids	30	12,880	45	25,760

b) Settleable Matter 0.5 ml/l-hr

- c) Total coliform bacteria for a median of 5 consecutive samples shall not exceed 240 MPN/100 ml. Any single sample shall not exceed a most probable number (MPN) of 10,000 total coliform bacteria per 100 ml when verified by a repeat sample taken within 48 hours.

3. This Order expires on December 18, 1984.

The Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with final effluent and receiving water limitations by November 19, 1979, as contained in Order No. 79-164 provided:

- The discharger complies fully with all terms of the time schedule contained in this Order;
- The discharger complies fully with all terms of the permit with the exception of the provisions established in Sections 1a and 1b of this Order.
- Circumstances do not occur which would warrant modification of the permit or time schedule; and
- Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on December 18, 1979.

FRED H. DIERKER  
Executive Officer